

## United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

Hamilson Leal Pires  
Central Street  
Framingham, MA

AMENDED  
CRIMINAL COMPLAINT

CASE NUMBER: 04-M00057-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 1, 2001 in Middlesex county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

knowingly possess an identification document that is or appears to be an identification document of the United States which was produced without lawful authority knowing that such document was produced without such authority

in violation of Title 18 United States Code, Section(s) 1028(a)(6)

I further state that I am a(n) Special Agent with SSA and that this complaint is based on the following  
Official Title

facts:

See attached affidavit of Special Agent Vance Ely.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

*Vance Ely*  
Signature of Complainant

Sworn to before me and subscribed in my presence,

September 10, 2004 at  
Date

Boston, MA  
City and State

Lawrence P. Cohen  
United States Magistrate Judge  
Name & Title of Judicial Officer

*Lawrence P. Cohen*  
Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT VANCE ELY

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office, since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 ½ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States Government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. §301 et seq.) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN; and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging HAMILSON LEAL PIRES with fraud in violation of 18 U.S.C. §1028(a)(6).<sup>1</sup>

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<sup>1</sup>18 U.S.C. §1028(a)(6) provides in pertinent part: Whoever ... knowingly possesses an identification document that is or appears to be an identification document of the United States which is ... produced without lawful authority knowing that such document was ... produced without such authority [shall be guilty of a crime].

5. PIRES is a native and citizen of Brazil and, according to records maintained by Immigration and Customs Enforcement, at all relevant times he has not been present legally in the United States.

6. As an alien illegally present in the United States, PIRES is not entitled to receive a Social Security Account number card.

7. On February 22, 2001 PIRES applied for a Social Security Account number card. PIRES falsely represented on the application, known as an SS-5, that he was a legal alien allowed to work, knowing that, in truth and in fact, he was not a legal alien allowed to work.<sup>2</sup>

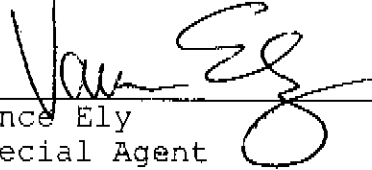
8. As a result of providing false information, PIRES received and possessed a Social Security card with social security account number 642-74-2318, which he used on May 1, 2001, to apply for and obtain a Massachusetts driver's license.

Based upon the foregoing information, I believe there is probable cause to believe that on May 1, 2001, PIRES did

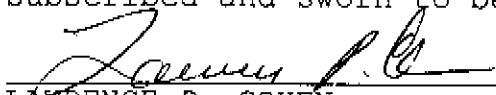
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<sup>2</sup>Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, he pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April 2000 to December 2002. See Ind. 02-10405-GAO.

knowingly possess an identification document that is or appears to be an identification document of the United States which was ... produced without lawful authority knowing that such document was ... produced without such authority in violation of Title 18, United States Code, Section 1028(a)(6).

  
\_\_\_\_\_  
Vance Ely  
Special Agent  
United States Social Security  
Administration  
Office of Inspector General

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 2004

  
\_\_\_\_\_  
LAWRENCE P. COHEN  
UNITED STATES MAGISTRATE JUDGE

**Criminal Case Cover Sheet**

U.S. District Court - District of Massachusetts

Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency SSACity Framingham Related Case Information:

County Middlesex Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-M00057-LPC  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name Hamilson Leal Pires Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address Central Street, Framingham, MABirth date (Year only): 1977 SSN (last 4 #): 2318 Sex m Race: \_\_\_\_\_ Nationality: Brazilian

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Sandra S. Bower Bar Number if applicable 787700 (Florida)Interpreter: ☒ Yes ☐ No List language and/or dialect: PortugueseMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☒ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☒ Misdemeanor 1 ☐ Felony \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9-10-04Signature of AUSA: Sandra S. Bower

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Hamilton Leal Pires

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 USC 1028(a)(6)</u>	<u>possession of unlawful US id document</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: